

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES J. SENIOR, NORMAN FAHY,	)	
RONALD D. PHIPPS, RAYMOND	)	
W. POSTMA, THOMAS G. HIRL,	)	
GARRETT M. FAGAN	)	
and UNITED STEELWORKERS	)	
OF AMERICA, LOCAL 12004	)	
	)	
Plaintiffs,	)	
v.	)	Civil Action No. 04-10160-EFH
	)	
NSTAR ELECTRIC AND GAS	)	
CORPORATION and	)	
COMMONWEALTH GAS COMPANY	)	
	)	
Defendant	)	

**JOINT MOTION TO CONTINUE DATE FOR FILING  
OPPOSITIONS TO SUMMARY JUDGMENT MOTIONS**

All Plaintiffs to this action (collectively referred to as "Plaintiffs"), and Defendants NSTAR Electric & Gas Corporation ("NSTAR") and commonwealth Gas Company (collectively referred to as "Defendants"), jointly move that the deadline for filing oppositions to summary judgment motions filed in this action by Plaintiffs and NSTAR on March 4, 2005, be continued from April 5, 2005, to and including April 8, 2005. The grounds for this motion are as follows:

1. This is an action by Plaintiff retirees who were represented by Local 12004 of the United Steelworkers of America during their employment with NSTAR and its predecessors. The Plaintiffs challenge modifications to retiree health benefits implemented in 2003.

2. On March 4, both Plaintiffs and Defendants served summary judgment motions in this action, and in *Louis Balestracci, et al. v. NSTAR Electric and Gas*

*Corporation*, Civil Action No. 04-11103-EFH (“*Balestracci*”). The Plaintiffs in *Balestracci* raise claims similar to the Plaintiffs in this action. Oppositions to motions for summary judgment in both cases are currently due on April 5, 2005.

3. The Plaintiffs and Defendants in both cases submitted numerous exhibits in support of these motions. In order to allow adequate time for the parties to respond to these motions, and to accommodate existing obligations of counsel for Plaintiffs and Defendants (including vacations of counsel), the parties request that April 8 be established as the date by which oppositions to summary judgment motions be filed and served in this action.

4. The parties further request that April 8 be established as the date by which Plaintiff must serve and file their opposition to NSTAR’s Motion to Prohibit Use of Expert Witness, also filed on March 4.

5. An identical motion for extension of time is being filed simultaneously in *Balestracci*.

WHEREFORE, the parties pray that this motion be allowed, and that the deadline for opposing serving and filing oppositions to the summary judgment motions of Plaintiffs and Defendants, and the opposition to Defendants’ Motion to Prohibit Use of Expert Witness, be continued from April 5, 2005, to and including April 8, 2005.

Respectfully submitted,

CHARLES J. SENIOR, NORMAN FAHY,  
RONALD D. PHIPPS, RAYMOND  
W. POSTMA, THOMAS J. HIRL,  
GARRETT M. FAGAN and UNITED  
STEELWORKERS OF AMERICA,  
LOCAL 12004

By their attorneys,

s/Warren H. Pyle  
Warren H. Pyle, BBO #408400  
Pyle, Rome, Lichten, Ehrenberg  
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18 Tremont Street, Suite 500  
Boston, MA 02108  
(617) 367-7200

Dated: April 4, 2005

Respectfully submitted,

NSTAR ELECTRIC AND GAS  
CORPORATION, and  
COMMONWEALTH GAS  
COMPANY,

By their attorneys,

s/Robert P. Morris  
Robert P. Morris, BBB #546052  
Keith B. Muntyan, BBO #361380  
Morgan Brown & Joy, LLP  
200 State Street, 11<sup>th</sup> Floor  
Boston, MA 02109-2605  
(617) 523-6666

dated: April 4, 2005

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon all counsel of record, by first class mail, postage pre-paid, on April 4, 2005.

s/Warren H. Pyle  
Warren H. Pyle